



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
**REPRESENTATION OF
EMPLOYEES**
of
AUSTIN WESTERN RAILROAD
Train & Engine Service Employees

35 NMB No. 63
CASE NO. R-7167
DISMISSAL
August 13, 2008

The services of the National Mediation Board (Board) were invoked by the Brotherhood of Locomotive Engineers & Trainmen (BLET) on June 18, 2008, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as "Train & Engine Service Employees," employees of Austin Western Railroad (Carrier).

At the time this application was received, these employees were unrepresented.

The Board assigned Investigator Norman Graber to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Train & Engine Service Employees, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice.

The following is the result of the election as reported by Investigator Graber.

<u>Election Results for Train & Engine Service Employees</u>	
Eligible Employees	18
BLET	9

The Board further finds that: the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; this Board has jurisdiction over the dispute involved herein; and the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

On the basis of the investigation and report of election which establishes that less than a majority of eligible employees cast valid votes for representation, the Board finds no basis for certification and the application is, therefore, dismissed subject to Part 1206.4(b) of the NMB Rules.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel